

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

APRIL 87

5. Closure of Interim Status Surface Impoundments

Final regulations for closure of interim status surface impoundments appeared in the March 19, 1987 Federal Register (52 FR 8704) which amended section 265.228. The regulations still provide for the option of "clean closure" or closure as a landfill with subsequent post-closure care, but they are now consistent with the Part 264 standards for closure of permitted surface impoundments. What are the major differences between the new and old _265.228 requirements? How must waste from a closed interim status surface impoundment be managed?

The major difference between the old and new _265.228 standards lies in the extent of removal required to "clean close" the impoundment. The standards currently in effect allow the owner/operator to remove materials from the impoundment until he can demonstrate, through 40 CFR 261.3(c) and (d), that hazardous waste no longer remains in the impoundment (40 CFR 265.228(b)). For example, if an impoundment held only unlisted characteristic wastes (e.g., corrosive, EP toxic), the owner/operator could stop removing materials once he demonstrated that the remaining residues exhibited no hazardous characteristics. Under the new _265.228 standards, however, which will be effective September 15, 1987, the owner/operator will have to continue removal and decontamination activities until the residues in the impoundment meet health-based on standards. The owner/operator must test for Appendix VIII constituents. Examples of health-based levels, which are discussed in more detail in the preamble to the March 19 rule, are water quality criteria and standards and limits based on verified reference doses and carcinogenicity (52 FR 8706 and 8707). If no EPA health-based standard exists for a particular constituent, the owner/operator must submit adequate data for EPA to determine environmental and health effects of the constituent or follow the requirements for closure and post-closure care of landfills (52 FR 8706).

The waste from closure of the impoundment must be managed as a hazardous waste unless it no longer meets the definition of hazardous waste under _261.3(d), per _265.228(a)(1). Therefore, if the impoundment held a waste that is listed under Part 261, Subpart D, the waste from closure must be managed as a listed hazardous waste unless it is delisted under _260.20 and 260.22. If the impoundment held only characteristic hazardous waste, the waste from closure would have to be managed as hazardous waste as long as it exhibits a characteristic under Part 261, Subpart C.

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